

19270 Mr. Golden

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-204306

DATE: August 31, 1981

MATTER OF: Triangle Technologies, Inc.

**DIGEST:**

Protest of agency's rejection of small business bid on basis bidder was nonresponsible is dismissed where, consistent with applicable procurement regulations, agency referred the matter to the Small Business Administration for final disposition under Certificate of Competency (COC) procedures.

Triangle Technologies, Inc. (Triangle), a small business, protests the rejection of its bid under solicitation No. 151-PI-0027-1, issued by the Federal Prison Industries (FPI), Department of Justice, for plastic inserts. According to Triangle, FPI has rejected Triangle's bid because the firm has been delinquent in meeting requirements under its current FPI contract.

The contracting officer has advised us that Triangle was determined nonresponsible; however, consistent with applicable regulations, the issue of Triangle's responsibility has been referred to the Small Business Administration (SBA) for consideration of issuance of a Certificate of Competency (COC).

Under the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. III, 1979), and the Federal Procurement Regulations § 1-1.708-2 (1964 ed. amend. 192), no small business concern may be precluded from award because of nonresponsibility without referral of the matter to the SBA for a final disposition under the COC procedures regardless of the basis for the nonresponsibility finding.

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The SBA is empowered to certify conclusively to Government procurement officials whether small business concerns are responsible to receive and perform specific contracts, and the GAO does not generally review an SBA COC determination. Rubber Stamps, Inc., B-203421, June 17, 1981, 81-1 CPD 508.

Accordingly, since the FPI has referred the matter to the SBA for a COC determination, as required by the applicable regulations, Triangle's protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel